

UNITED STATES DISTRICT COURT
Northern District of California

HAKAM SINGH MISSION, et al.,

No. C 12-6359 MEJ

Plaintiffs,

v.

**ORDER DENYING AS MOOT
DEFENDANTS' MOTIONS TO
DISMISS**

ENRICO JOHN POLIMENO, et al.,

Defendants.

Pending before the Court are Defendants' Motions to Dismiss. Dkt. No. 3, 5, 9. However, on January 17, 2013, Plaintiffs filed an Amended Complaint. Dkt. No. 13. Under Federal Rule of Civil Procedure 15, a party may amend its pleading once "as a matter of course" within "21 days after service of a responsive pleading or 21 days after service of a motion. Fed. R. Civ. P. 15(a)(1). Thus, as no prior amended complaints have been filed, Plaintiffs were entitled to file an amended complaint as a matter of course under Rule 15(a). The amended complaint supersedes the original complaint, which is treated as non-existent. Since Defendants' motion are based on Plaintiffs' original complaint, the Court hereby DENIES Defendants' motions as moot. Defendants shall file an answer or other responsive pleading within 21 days from the date of this Order. The order to show cause is DISCHARGED.

Plaintiffs are advised that no further amendments may be made without seeking leave of Court pursuant to Rule 15 and Civil Local Rule 7. Any attempt to file an amended complaint without proper notice to Defendants under Civil Local Rule 7 and a court order shall be stricken.

IT IS SO ORDERED.

Dated: January 18, 2013



Maria-Elena James
United States Magistrate Judge